Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 15 of the Commission's Rules	)	ET Docket No. 95-177
to Permit Operation of Biomedical Telemetry Devices	)	
on VHF TV Channels 7-13 and on UHF TV Channels	)	

COMMENTS OF THE CONSUMER ELECTRONICS MANUFACTURERS ASSOCIATION

The Consumer Electronics Manufacturers Association ("CEMA"), a sector of the Electronic Industries Association, hereby submits the following comments in response to the Notice of Proposed Rulemaking ("*Notice*") which the Commission issued in the above-captioned proceeding on January 25, 1996.[1] In its *Notice*, the Commission has solicited comment on whether it should permit the use of certain VHF and all UHF television channels by biomedical telemetry devices with power levels not to exceed five milliwatts. As set forth more fully below, CEMA cannot support the proposed operation of biomedical devices on these frequencies, given the proponent's failure to adequately address the interference threat which these devices could pose to UHF "taboo" channels used within television receivers. Moreover, given the Commission's interest in the rapid deployment of advanced television ("ATV"), it would appear unwise to permit biomedical devices in these bands when it is possible that they will be evicted from this spectrum in the near future.

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[1] *See Amendment of the Commission's Rules to Permit Operation of Biomedical Telemetry Devices on VHF TV Channels 7-13 and on UHF TV Channels*, FCC 95-488, ET Docket No. 95-177 (released Jan. 25, 1996).

I. INTEREST OF CEMA

CEMA is the principal trade association of the consumer electronics industry. CEMA members design, manufacture, import, distribute and sell a wide variety of consumer electronics equipment, including television receivers and other video equipment. Virtually all Americans who view video programming do so on products produced by CEMA member companies. CEMA also participates in the EIA Advanced Television Committee -- a multi-industry organization dedicated to promoting dialogue and developing consensus on the many technical and policy questions presented by the introduction of ATV. CEMA and its members therefore have a direct interest in the outcome of this rulemaking proceeding.

II. THE PROPOSAL DOES NOT ADEQUATELY ADDRESS CONCERNS OF INTERFERENCE TO TABOO CHANNELS

The *Notice* recognizes two unique technical characteristics of the proposal put forth by the Critical Care Telemetry Group ("CCTG"): (1) the five milliwatt maximum output level is "considered high compared to other operating limits for unlicensed Part 15 devices";[2] and (2) reliance on a fixed maximum power level would be impractical and a departure from existing practice, since such devices ordinarily do not employ antenna ports which would allow output power measurements.[3]

These two characteristics are of concern to CEMA. First, no justification is offered as to why such a high power level is necessary or why field strength limits should not be used. Without any justification for the higher power level, CEMA cannot comment on

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[2] *Id.* at ¶ 9.

[3] *See id.* at ¶ 10.

whether adequate steps have been taken to minimize the demand for spectrum. As to field strength limits, CEMA appreciates that the Commission has sought comment on field strength limitations derived from CCTG's proposal as a possible substitute for output power measurements.[4] CEMA conceptually supports the use of field strength limits in lieu of maximum output power, but notes that such limits do not resolve CEMA's larger concern with the *Notice*.

Specifically, the *Notice* does not address more important questions regarding possible interference to UHF taboo channels. The *Notice* focuses instead on potential co-channel interference to television *broadcast stations* and suggests that co-channel separation standards will eliminate that potential.[5] The successful operation of television *receivers*, however, requires just as careful consideration. It makes no sense to protect television broadcast signals if telemetry operations cause interference to television receivers.

The Commission has long recognized that a careful compromise between the front-end design of television receivers and the allocation of UHF channels is necessary to ensure consumers have access to affordable receivers. Part of the allocation of television channels is based on avoiding the propagation of signals on channels which would create certain well known interfering phenomena inherent in consumer equipment. These avoided channels are called "taboo" channels.

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[4] *See id.*

[5] The Commission's proposed rule would states, "Biomedical telemetry devices must not cause harmful interference to licensed TV broadcast stations. . . ." *Id.* at Appendix B.

In short, the UHF allocation is centered on avoiding co-channel, adjacent channel *and* taboo channel interference. The *Notice* ignores the possibility that, in protecting only co-channel operations, the proposed biomedical telemetry devices could prejudice television operations by allowing the possibility of interference in other ways.

III. THE NEAR-TERM ADVENT OF ATV RENDERS THE PROPOSAL ACADEMIC

The *Notice* proposes to require biomedical telemetry devices to vacate television spectrum once ATV is implemented.[6] Realistically, this development forecloses any consideration of the instant proposal. With the advent of ATV, there will be no meaningful opportunity to accommodate biomedical devices in the television spectrum.

Digital ATV signals will, of course, be more robust than analog signals. But receiver design will continue to rely on the use of tuners which will be sensitive to signals on taboo channels. As a consequence, the allocation of ATV channels will have to be undertaken with great care. The reallocation process will not leave room for biomedical telemetry devices. Given the near-term transition to ATV, CEMA cannot envision the benefit of temporarily permitting biomedical devices to use television spectrum.

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[6] *Id.* at ¶ 8.

III. CONCLUSION

For all of the foregoing reasons, CEMA requests that the Commission not allow biomedical telemetry devices to employ television spectrum.

Respectfully submitted,

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